

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Norihiro NISHIMOTO *et al.*

Title: TREATMENT OF VASCULITIS WITH IL-6 ANTAGONIST
(*AS AMENDED*)

Appl. No.: 10/596,429

International 12/17/2004

Filing Date:

371(c) Date: 08/07/06

Examiner: Lorraine Spector

Art Unit: 1647

Confirmation 6508

Number:

DECLARATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Simon J. Elliott, declare:

Deposits under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure have been made as follows:

1. The cell line which produces PM-1 antibody, deposited on July 12, 1989, with the Fermentation Research Institute, Agency of Industrial Science and Technology, 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan, and accorded Accession No. FERM BP-2998. (The cell line was originally deposited on July 12, 1989, accorded Accession No. FERM P-10839, and was then transferred to Accession No. FERM BP-2998 on July 10, 1990.)
2. The hybridoma cell line which produces MR16-1 antibody, deposited on March 13, 1997, with the National Institute of Bioscience and Human Technology, Agency of Industrial Science and Technology, 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan, and accorded Accession No. FERM BP-5875.

3. The name and address of the depository institute has been changed to "the National Institute of Advanced Industrial Science and Technology, Patent and Bio-Resource Center, Chuo-6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305-5466, Japan."

4. Copies of the receipts of original deposits, and English translations, of the above-identified international deposits are provided herewith.

5. The deposit shall be made for a term of at least thirty (30) years, and at least five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the depository. Samples will be stored under agreements that would make them available beyond the enforceable life of the patent for which the deposit was made. 37 C.F.R. § 1.806.

6. All restrictions on the availability to the public of the cultures deposited will be irrevocably removed upon the granting of a patent from the above-identified application. 37 C.F.R. § 1.808.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully submitted,

Date July 9, 2009

By SElliott

FOLEY & LARDNER LLP
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Simon J. Elliott
Attorney for Applicants
Registration No. 54,083

DEPOSITOR
Name Tadimitsu Kishimoto

Address 5-31, Nakano-cho 3-chome,
Tondabayashi-shi,
Osaka 584

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the (Deposition Number)
DEPOSITOR: PM1

FERM BP-2998

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description

x a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the
microorganism identified under I above, which was received by it on
July 12, 1989 (Date of the original deposit)¹.

(Transferred from FERM P-10839 deposited on July 12, 1989.)

IV. INTERNATIONAL DEPOSITARY AUTHORITY

Fermentation Research Institute
Agency of Industrial Science and Technology
Director General Tomoo Suzuki

1-3, Higashi 1 chome, Tsukuba-shi,
Ibaraki-ken, 305, Japan

July 10, 1990

〔特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約〕

下記国際寄託当局によって規則 7.1 に従い
発行される

原寄託についての受託証

氏名 (名称)

岸本 定三

寄託者

あて名

⑤ 584

殿

大阪府富田林市中西町 3 丁目 5 番 31 号

I. 微生物の表示

(寄託者が付した識別のための表示)

PM1

(受託番号)

微生物研究 2998 号

(FERM BP- 2998)

II. 科学的性質及び分類学上の位置

1 種の微生物には、次の事項を記載した文書が添付されていた。

☐ 科学的性質

☒ 分類学上の位置

III. 受領及び受託

本国際寄託当局は、平成 元年 7 月 12 日 (原寄託日) に受領した 1 種の微生物を受託する。

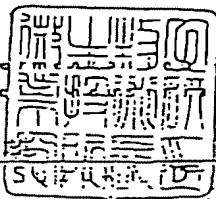
平成 元年 7 月 12 日に寄託された微生物研究 P- 10839 号より移管)

IV. 国際寄託当局

通商産業省工業技術院微生物工業技術研究所

名称:

Agency



Research Institute
Science and Technology

所長 鈴木 智

Tomoo

DIRECTOR GENERAL.

あて名: 日本国茨城県つくば市東 1 丁目 1 番 3 号 (郵便番号 305)
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305, JAPAN

平成 2 年 (1990) 7 月 10 日

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
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RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

下記国際寄託当局によって規則 7. 1 に従い
発行される。

issued pursuant to Rule 7. 1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

原寄託についての受託証

氏名 (名称) 中外製薬株式会社
取締役社長 永山 治 殿
寄託者 あて名 〒 115
東京都北区浮間 5 丁目 5 番 1 号

1. 微生物の表示

(寄託者が付した識別のための表示)
Rat-mouse hybridoma MR16-1

(受託番号)
FERM BP- 5875

2. 科学的性質及び分類学上の位置

1 株の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 9 年 3 月 13 日 (原寄託日) に受領した 1 株の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、年 月 日 (原寄託日) に 1 株の微生物を受領した。
そして、年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology
Agency for Industrial Science and Technology

所長 大石 通夫 Michio Ohsaka, Ph.D., DIRECTOR GENERAL.

あて名: 日本国茨城県つくば市 1 丁目 1 番 3 号 (郵便番号 305)
1-3, Higashi-Tsukuba-shi Ibaraki-ken
305, JAPAN

平成 9 年 (1997) 3 月 13 日

Depositor
Name: CHUGAI SEIYAKU
KABUSHIKI KAISHA
Representative: Osamu Nagayama

Address: 5-1, Ukima 5-chome,
Kita-ku, Tokyo 115

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
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page.

1. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR: Rat-mouse hybridoma MR16-1

(Deposition Number)

FERM BP-5875

2. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under 1 above was accompanied by:

- x a scientific description
- x a proposed taxonomic designation

(Mark with a cross where applicable)

3. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the micro-
organism identified under 1 above, which was received by it on
March 13, 1997 (Date of the original deposit)¹.

4. RECEIPT OF TRANSFER

This International Depositary Authority accepted microorganism
identified under 1 above, on _____ (Date of the
original deposit), and accepted a request for transfer to a
deposition under Budapest treaty from the original deposition,
on _____, (Transferred from FERM P _____ deposited
on _____)

5. INTERNATIONAL DEPOSITARY AUTHORITY

National Institute of Bioscience and Human-Technology
Agency of Industrial Science and Technology
Director General Michio Oishi

1-3, Higashi 1-chome, Tsukuba-shi,
Ibaraki-ken, 305, Japan

March 13, 1997